

Docket No.: 50176-052

*Section / #*  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

George P. LOMONOSSOFF, et al.

Serial No.: 09/304,967

Filed: May 05, 1999



Group Art Unit: 1651

Examiner:

For: MODIFIED PLANT VIRUSES AS VECTORS OF HETEROLOGOUS PEPTIDES

**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts of Application dated August 3, 1999,  
submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63)
2. Statutory Basic filing fee of \$760.00
3. Late Filing Fee Surcharge of \$130.00
4. Petition for 4 Month Extension of Time and fee of \$1360.00
5. Additional Claims fee of \$382.00
6. Request for Corrected Filing Receipt
7. Information Disclosure Statement
8. Assignment

In accordance with 37 CFR 1.48(f) (1), the executed Declaration herewith provides the  
correct inventorship.

09/304,967

Please charge Deposit Account No. 500417 in the amount of \$2832.00 (which includes the 4 month extension of time fee of \$1360.00). To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that a corrected official filing receipt now be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Robert L. Price

Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:dtb  
**Date: February 3, 2000**  
Facsimile: (202) 756-8087



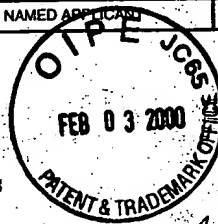
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Dec 4 Fee 10/3/99

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/304,967 05/05/99 LOMONPSSFF



G 50176-052

MCDERMOTT WILL & EMERY  
ROBERT L PRICE  
600 13TH STREET N W  
WASHINGTON DC 20005-3096

0212/0803

NOT ASSIGNED

DATE MAILED: 1651

08/03/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 1472.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ 504 for 28 total claims over 20.  
\$ 78 for 1 independent claims over 3.  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing or unsigned.
- ☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center

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760.00 CH  
78.00 CH  
504.00 CH  
130.00 CH



Docket No.: 50176-052

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

George P. LOMONOSSOFF, et al.

Serial No.:

Group Art Unit:

Filed: May 05, 1999

Examiner:

For: **MODIFIED PLANT VIRUSES AS VECTORS OF HETEROLOGOUS PEPTIDES**

**CLAIM OF PRIORITY**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In accordance with the provisions of 35 U.S.C. 120, this application claims the priority and is a continuation-in-part of U. S. Patent Application Nos. 08/471,048, filed June 6, 1995; 08/612,858, filed March 12, 1996; and 08/137,032, filed March 18, 1993, which is a 371 of PCT/GB92/00589, filed April 2, 1992, which claims the benefit of the priority under 35 U.S.C. 119 of:

Great Britain Patent Application No. 91 08386.5,

Filed April 19, 1991

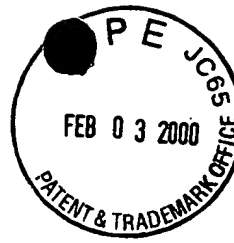
Respectfully submitted,

MCDERMOTT, WILL & EMERY

Robert L. Price

Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:klm  
**Date: May 5, 1999**  
Facsimile: (202) 756-8087



Docket No.: 50176-052

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
George P. LOMONOSSOFF, et al. :  
Serial No.: 09/304,967 : Group Art Unit: 1651  
Filed: May 05, 1999 : Examiner:  
For: MODIFIED PLANT VIRUSES AS VECTORS OF HETEROLOGOUS PEPTIDES

**REQUEST FOR CORRECTED FILING RECEIPT**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the First Applicant's Last Name is misspelled on the Filing Receipt. Attached is a copy of the Declaration and Power of Attorney, which evidences the First Applicant's name is George P. LOMONOSSOFF.

It is also noted that the Priority Information contains errors, and that some priority information has been omitted. The attached copy of the Declaration and Power of Attorney and the attached Claim of Priority filed with the application on May 5, 1999 evidence this application is a Continuation-In-Part of U.S. Patent Application No. 08/471,048, filed June 6, 1995. This application is also a Continuation-In-Part of U.S. Patent Application No. 08/612,858, filed March 12, 1996. This application is also a Continuation-In-Part of U.S. Patent Application No. 08/137,032, filed March 18, 1993, which is a 371 of PCT/GB92/00589, filed April 2, 1992, which claims priority of British Patent Application No. 91 08386.5, filed April 19, 1991.

It is also noted that John ADAIR has been incorrectly included as an Applicant on the Filing Receipt. The enclosed copy of the Declaration and Power of Attorney evidences that John ADAIR is not an applicant, and deletion of his name is requested.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that a corrected filing receipt be issued.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in cursive script, reading "Robert L. Price".

Robert L. Price

Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:dtb  
**Date: February 3, 2000**  
Facsimile: (202) 756-8087

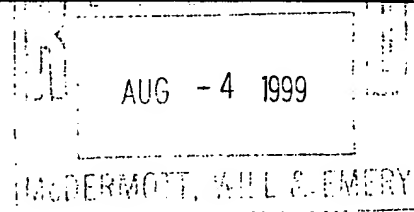
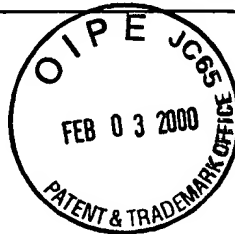
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/304,967	05/05/99	1651	\$0.00	50176-052	21	48	4

MCDERMOTT WILL & EMERY  
ROBERT L PRICE  
600 13TH STREET N W  
WASHINGTON DC 20005-3096



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) GEORGE P. LOMONPSSPFF; JOHN E. JOHNSON; JOHN ADAIR;  
MARY BENDIG; TIM JONES; MARIAN LONGSTAFF.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CIP OF 08/471,048 06/06/95 PAT 5,874,087  
AND A CIP OF 08/612,858 06/05/96  
WHICH IS A 371 OF PCT/GB92/00589 04/02/92

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 07/29/99

TITLE

MODIFIED PLANT VIRUSES AS VECTORS OF HETEROLOGOUS PEPTIDES

PRELIMINARY CLASS: 435

DATA ENTRY BY: ZIMMERMAN, SHUANA TEAM: 01 DATE: 07/29/99

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(See reverse for new important information)

Docket No.: 50176-052



## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled **MODIFIED PLANT VIRUSES AS VECTORS OF HETEROLOGOUS PEPTIDES**, the specification of which

☐ is attached hereto ☒ was filed on May 5, 1999 as Application Serial No. 09/304,967 and was amended on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year filed</u>	<u>Priority Claimed</u> <u>YesNo</u>
91 08386.5	GREAT BRITAIN	April 19, 1991	XX
PCT/GB92/00589	INTERNATIONAL	April 2, 1992	XX

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**

<u>Application Number</u>	<u>Filing Date</u>
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U. S. Application(s):**

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status: Patented, Pending, Abandoned</u>
08/471,048	June 6, 1995	Patented
08/612,858	March 12, 1996	Pending
08/137,032	March 18, 1993	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



I hereby appoint the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Stephen A. Becker, Reg. No. 26,527; Marcel K. Bingham, Reg. No. 42,327; John G. Bisbikis, Reg. No. 37,095; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Paul Devinsky, Reg. No. 28,553; Laura A. Donnelly, Reg. No. 38,435; Margaret M. Duncan, Reg. No. 30,879; Brian E. Ferguson, Reg. No. 36,801; Michael F. Fogarty, Reg. No. 36,139; Wilhelm F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; John A. Hankins, Reg. No. 32,029; Brian D. Hickman, Reg. No. 35,894; Eric J. Kraus, Reg. No. 36,190; Edward E. Kubasiewicz, Reg. No. 30,020; Patrick B. Law, Reg. No. 41,549; Robert E. LeBlanc, Reg. No. 17,219; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael E. McCabe, Jr., Reg. No. 37,182; Michael A. Messina, Reg. No. 33,424; Eugene J. Molinelli, Reg. No. 42,901; Christopher J. Palermo, Reg. No. 42,056; Joseph H. Paquin, Jr., Reg. No. 31,647; Craig L. Plastrik, Reg. No. 41,254; Robert L. Price, Reg. No. 22,685; Paul A. Roberts, Reg. No. 40,289; Gene Z. Rubinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Michele M. Schafer, Reg. No. 34,717; David J. Serbin, Reg. No. 30,589; Glenn Snyder, Reg. No. 41,428; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Leon R. Turkevich, Reg. No. 34,035; Christopher D. Ward, Reg. No. 41,367; Damian G. Wasserbauer, Reg. No. 34,749; Aaron Weisstuch, Reg. No. P41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976 all of

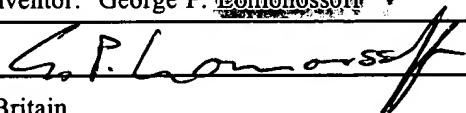
McDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

\*\*\*\*\*

Full name of sole or first inventor: George P. Lomonosoff

Inventor's signature:



Date: 3<sup>rd</sup> Nov. 1990

Residence: Norfolk, Great Britain

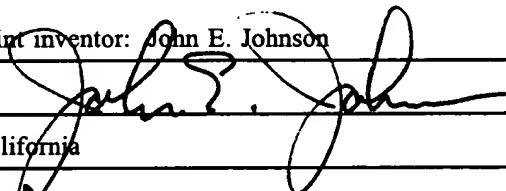
Citizenship: BRITISH and CANADIAN

Post Office Address: John Innes Centre, Norwich Research Park, Colney, Norwich, Norfolk, NR4  
7UH, Great Britain

\*\*\*\*\*

Full name of second joint inventor: John E. Johnson

Inventor's signature:



Date: 15 Nov. 99

Residence: La Jolla, California

Citizenship: U.S.A.

Post Office Address: Department of Molecular Biology, The Scripps Research Institute, 10550 N.  
Torrey Pines Road, La Jolla, California 92037

\*\*\*\*\*

Full name of third joint inventor: John Adair

Inventor's signature:

Date:

Residence: Cambridge, Great Britain

Citizenship:

Post Office Address: Axis Genetics plc, Babraham, Cambridge, CB2 4AZ, Great Britain

\*\*\*\*\*

Full name of fourth joint inventor: Mary Bendig

Inventor's signature:

Mary Bendig

Date: 19/11/99

Residence: Villanova, Pennsylvania

Citizenship: USA / UK dual citizenship

Post Office Address: 1101 Red Rose Lane, Villanova, Pennsylvania 19085

Full name of fifth joint inventor: Tim Jones

Inventor's signature:

T. Jones

Date: 20/10/99

Residence: Cambridge, Great Britain

Citizenship: BRITISH

Post Office Address: Axis Genetics plc, Babraham, Cambridge, CB2 4AZ, Great Britain

Full name of sixth joint inventor: Marian Longstaff

Inventor's signature:

M. Longstaff

Date: 20/10/99

Residence: Cambridge, Great Britain

Citizenship: BRITISH

Post Office Address: Axis Genetics plc, Babraham, Cambridge, CB2 4AZ, Great Britain